

Message Text

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TO AMEMBASSY PARIS IMMEDIATE

S E C R E T STATE 139951

NODIS

E.O. 11652: GDS

TAGS:CSCE, PFOR, FR, US

SUBJECT: CSCE: QUADRIpartite RIGHTS AND RESPONSIBILITIES

FOR AMBASSADOR

1. PLEASE DELIVER FOLLOWING LETTER FROM SECRETARY KISSINGER TO FOREIGN MINISTER SAUVAGNARGUES WHEN CONVENIENT. SIGNED ORIGINAL BEING POUCHED.
2. BEGIN TEXT. "DEAR JEAN: I VERY MUCH APPRECIATE THE EFFORTS YOU HAVE PERSONALLY BEEN MAKING TO PROTECT QUADRIpartite RIGHTS REGARDING BERLIN AND GERMANY AS A WHOLE IN THE CSCE CONTEXT IN A FASHION WHICH ACCOMMODATES THE LEGITIMATE CONCERNS WE SHARE WITH THE NEUTRALS REGARDING THE BREZHNEV DOCTRINE. IT IS A COMPLEX NEGOTIATING PROBLEM.
3. "IN RESPONSE TO YOUR QUESTION, THE DIFFICULTIES WE EXPRESSED WITH YOUR FORMULA STEMMED, IN PART, FROM A
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DIFFERENT APPRECIATION OF THE QUADRIpartite AGREEMENT AND

QUADRIpartite DECLARATION. WE VIEW NEITHER DOCUMENT AS PROVIDING A COMPREHENSIVE DEFINITION OF OUR RESPONSIBILITIES. IN VIEW OF THE KNOWN DIFFERENCES IN ALLIED AND SOVIET/GDR POSITIONS, THERE IS A REAL QUESTION NOT ONLY OF

DEFINITION, BUT ALSO OF JUST WHAT HAS BEEN RECOGNIZED AND BY WHOM. ALSO, ARTICLE 107 OF THE UN CHARTER, WHICH HAS PROVIDED THE BASIC ALLIED LEGAL PROTECTION, USES THE TERM "RESPONSIBILITY" WITHOUT QUALIFICATION AND WE ARE RELUCTANT TO APPEAR TO ACCEPT A POTENTIAL NEW RESTRICTION OR IMPOSE A NEW LEGAL TEST. FURTHER, THE QUALIFIER SEEMS TO BE ADAPTED TO THE SOVIET VIEW OF 'CONTRACTUAL' AS OPPOSED TO 'ORIGINAL' ALLIED RIGHTS, OBLIGATIONS AND RESPONSIBILITIES. I AGREE THAT THESE RESERVATIONS ARE SOMEWHAT JURIDICAL, YET THERE IS A POLITICAL PURPOSE IN ASSURING THAT CSCE DOES NOT PROVIDE ANY OPENINGS TO BE EXPLOITED AGAINST OUR LEGAL POSITION IN BERLIN.

4. "IT MIGHT BE ADVISABLE TO TURN TO THE APPROACH OF ELIMINATING ALL MENTION OF THE WORD "RESPONSIBILITIES." THIS IS CERTAIN TO MEET NEUTRAL APPROVAL, IN VIEW OF THE SWISS TEXT, AND HAS ALREADY PASSED THE ESSENTIAL HURDLE OF APPROVAL BY THE FOUR WESTERN ALLIES. THE WORD WAS NOT IN THE ORIGINAL USSR TEXT AND, WHILE IT EVIDENTLY APPEALS TO THEM, I WONDER IF THEY WOULD HOLD OUT FOR IT AT THIS STAGE OF THE CONFERENCE IF FACED WITH ALLIED AND NEUTRAL AGREEMENT. THIS SOLUTION HAS THE ADVANTAGE OF BEING LESS SUSCEPTIBLE TO BREZHNEV DOCTRINE ABUSE THAN EVEN A QUALIFIED REFERENCE TO 'RESPONSIBILITIES,' WHILE PROVIDING UNCOMPLICATED AND ADEQUATE COVERAGE FOR OUR BERLIN POSITION.

5. "ANOTHER TACK MIGHT BE TO QUALIFY 'RESPONSIBILITIES' WITH 'UNDER OR IN CONFORMITY WITH INTERNATIONAL LAW,' AN APPROACH WHICH THE FOUR ALLIES AND THE USSR HAVE ALREADY FOUND ACCEPTABLE. ALTHOUGH THE NEUTRALS HAVE NOT BEEN ENTHUSIASTIC ABOUT IT IN THE PAST, IT SHOULD MEET THEIR NEEDS AND, WITH SUITABLE FIRMNESS, WE MIGHT BE ABLE TO BRING THEM TO ACCEPT IT.

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6. "FINALLY, WE COULD ACCEPT THE FOLLOWING MINOR MODIFICATION OF YOUR FORMULA:

'...CANNOT AND WILL NOT AFFECT THEIR RIGHTS, OBLIGATIONS AND SPECIFICALLY DEFINED OR RECOGNIZED RESPONSIBILITIES, OR THE CORRESPONDING TREATIES, AGREEMENTS AND ARRANGEMENTS.'

THIS TEXT IS NOT ENTIRELY UNTROUBLESOME, EITHER FROM THE
POINT OF VIEW OF PROTECTION OF FOUR-POWER RESPONSIBI-
LITIES OR EXCLUSION OF THE BREZHNEV DOCTRINE, BUT WE
COULD ASK OUR ALLIES TO CONSIDER IT.

7. "IN VIEW OF YOUR SPECIAL EXPERTISE AND YOUR LEADERSHIP
IN NEGOTIATION OF THIS TEXT, YOU ARE IN THE BEST POSITION
TO JUDGE THE NEXT STEPS THAT THE ALLIES SHOULD TAKE TO
MOVE RAPIDLY TO A SATISFACTORY CONCLUSION ON THIS
DIFFICULT SUBJECT. WARM REGARDS, HENRY A. KISSINGER."
END TEXT. SISCO

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